

Docket #CDC-2008-0001

Dear Department of Health and Human Services:

Please keep my comments anonymous.

My name is [REDACTED] and I am a law student at the University of Washington. As part of my studies, I participate on the steering committee for Immigrant Families Advocacy Project (IFAP), a student organization dedicated to providing legal support to immigrant survivors of intimate partner violence. I also serve as co-president of the University of Washington's Outlaws chapter, a student organization providing support and raising consciousness around LGBTQ related issues. Before returning to school, I worked as a community advocate at Chaya, a Seattle-based domestic violence organization that works specifically within South Asian communities.

I am writing in support of HHS/CDC's proposed rule and to encourage the agency to finalize the rule, published July 2, 2009, that would lift the ban on visitors and immigrants living with HIV/AIDS, remove mandatory HIV testing of immigrants, and restore the U.S. as a global role model and leader in the area of human rights, equal treatment under law, and public health.

My personal and work experience has shown me how the ban on HIV-positive immigrants and travelers excludes individuals who can make positive contributions to the United States and contributes to the stigmatization of "people living with HIV and AIDS" (hereinafter PLWHA). The HIV ban has violated the human rights of individuals seeking to travel freely, resulted in countless invasions of personal privacy, and has put additional obstacles in the path of refugees fleeing persecution. The ban has needlessly separated families who are unable or ineligible to navigate the difficult waiver process and has outlawed working professionals and foreign students who simply do not qualify for a waiver. At a time when the United States claims a leading role in fighting the global HIV/AIDS pandemic, the ban undermines its ability to promote basic care and human rights for PLWHA.

For over two decades, the politics of hate, fear, and plain misunderstanding has triumphed over sound medical judgment and the expert opinions of public health professionals. The HIV travel and immigration ban has singled out people living with HIV/AIDS and treated them differently from people with any other medical condition. The HIV ban has also perpetuated unfair stereotypes and misconceptions about HIV transmission. The scientific and public health community has long believed that this ban is obsolete and does not protect the public health or prevent the spread of HIV. It serves no legitimate state objective.

Last year, Congress amended the Immigration and Nationality Act to remove the statutory HIV ban. In doing so, it sent a strong message that the United States will no longer countenance this discriminatory law. In this rule, HHS/CDC has taken the next step to implement Congressional intent. We urge HHS/CDC to finalize the proposed rule as quickly as possible and treat people living with HIV and AIDS with the dignity and respect they deserve.

Sincerely,

[REDACTED]